

Statement of Facts  
In the Investigation of  
Orange County Metal Processing  
1711 Kimberly Ave., Fullerton 92831  
OCHCA Case #EN0000977

Summary

Orange County Metal Processing (OCMP) is a plating facility that generates hazardous waste and conducts treatment of hazardous waste onsite. OCMP is inspected by Orange County Health Care Agency (OCHCA) for these programs and has been for several years. OCMP has a history of non-compliance with Hazardous Waste (HW) and Tiered Permitting Permit By Rule (PBR) regulatory requirements, as well as non-payment of annual fees. OCMP was the subject of an Administrative Enforcement Order (AEO) by OCHCA in 2007; refer to the AEO file for more information (Exhibit 1). A routine HW and PBR inspection was conducted by me, Christine Lane, Hazardous Waste Specialist III, on April 6, 2011. Although the routine inspections were due, the visit was in response to a letter the OCHCA received from the Department of Toxic Substances Control (DTSC) dated March 8, 2011 stating that the EPA Identification number for OCMP had become inactivated (Exhibit 11). Having an active EPA Identification is a requirement for the facility to dispose of hazardous waste. In addition to these compliance concerns, OCMP has been late annually with submitting Financial Assurance documentation and changed the 2010 annual reporting numbers from previous years to stay below the \$10,000 self certification threshold. Lisa Wales, Hazardous Waste Specialist III, works with Financial Assurance and has submitted a supplemental chronology for this case, included in this documentation (Exhibit 13). There are two outstanding Class II violations pertaining to Financial Assurance.

Statement of Facts

On Wednesday, April 6, 2011 I conducted a routine Hazardous Waste (HW) generator inspection and a routine Tiered Permitting – Permit By Rule (PBR) inspection with OCMP President Manuel Reynoso. The facility was toured and waste storage areas and treatment area inspected. The facility generates waste filter cake from Chromium and Cyanide treatment conducted onsite, as well as waste oil, waste oil filters, waste paint/thinner solids (acetone), and waste concrete and wood. The waste concrete and wood are floor surfaces contaminated by hazardous materials from the plating line that is periodically removed from the plating room. Wastes are stored in varying size containers, including 5 gallon buckets, 55 gallon drums, 6' long by 3' wide by 6' high steel bins, and a roll off bin (approximately 30 yard capacity). I observed numerous hazardous waste containers with labels that were faded (illegible), labeled improperly/missing information, or with accumulation start dates that were either not updated or had greatly exceed allowable storage limits. For example, the wastes stored were not marked with physical state or hazardous properties, the D.O.T. proper shipping name was listed as "slash from the bottom of the tank", and accumulation start dates for all wastes were listed as 6-21-10 or 7-21-10. The "slash" in the waste description is supposed to be sludge. HW generated from OCMP had been onsite beyond the 90-day allowable storage limit. During the routine inspection, nine HW violations were cited (1, Class I and 8, Class II). See HW inspection report dated April 6, 2011 for violations and more information (Exhibit 2). Photos were taken this date.

Inspected waste treatment units. All tanks were labeled, but not all labels were complete. The written inspection schedule (containers, weekly and tanks, daily) was not onsite. In addition, daily and weekly inspections had not occurred. The last inspection in the written inspection log was dated 8-30-10. Reynoso stated the inspections have not been conducted. The written operating instructions for the Fixed Treatment Units was not available for review this date. Training was last conducted on March 31, 2010; employee training is to be conducted annually.

During the routine inspection, four PBR violations were cited (1, Class I and 3, Class II). See PBR inspection report dated April 6, 2011 for violations and more information (Exhibit 3).

On Thursday, April 7, 2011 I conducted a follow-up inspection with Royce Long, Supervising Hazardous Waste Specialist, and Kevin Baitx, Hazardous Waste Specialist III. Met with Reynoso. The facility was inspected again with Long, Baitx, and Reynoso to review and verify the HW and PBR issues/violations observed during the routine inspection conducted the previous day. Baitx was onsite to assist with sampling, and determined that the sampling required and the time and equipment needed, sampling would have to occur another day. Reynoso consented, and sampling was scheduled for April 11, 2011. See HW and PBR inspection reports dated April 7, 2011 for more information (Exhibits 4 and 5, respectively).

On Friday, April 8, 2011 I attended a meeting at OCHCA with Long, Baitx, Terry Carrier, Supervising Hazardous Waste Specialist, Darwin Cheng, Supervising Hazardous Waste Specialist, Pearl Boelter, Program Manager, and Jim McConnell, DA Investigator to discuss the violations issued to OCMP and the sampling needed. It was determined that sampling would be conducted by members of OCHCAs ER team during a follow-up inspection along with a Fullerton Fire Department inspection on Monday, April 11, 2011.

On Monday, April 11, 2011 I conducted follow-up HW and PBR inspections to assist with the sampling process. I obtained permission from Reynoso for sampling to be conducted. ER team conducted sampling activities—see supplemental report (Baitx). See HW and PBR inspection reports dated April 11, 2011 for more information (Exhibits 6 and 7, respectively). An off-site HW follow-up inspection report was also issued this date with information on laboratory sampling requirements and laboratories qualified to conduct the required sampling (Exhibit 8).

Phone messages were received from/conversations were had with Reynoso regarding progress he was making at the facility on May 3, 2011 and May 17, 2011.

On Monday, June 6, 2011 I conducted follow-up HW and PBR inspections at OCMP as a result of the April 6, 2011 routine inspections; this is the 60-day follow-up to all of the violations issued. Met with Reynoso. Of the nine HW violations cited during the routine inspection, 8 were corrected. The remaining violation, hazardous waste disposal, was being addressed. Because of the large volume of hazardous waste for disposal, and the related cost, the waste was being picked up by a registered hazardous waste hauler on a weekly basis. This violation remains outstanding and follow-ups will continue. All four PBR violations were corrected; however, while onsite a new violation was issued. One of the settling tanks (Clarifier 2) was observed to be leaking in the onsite treatment area into the secondary containment. A follow-up inspection will occur. See HW and PBR inspection reports dated June 6, 2011 for more information (Exhibits 9 and 10, respectively).

On Tuesday, July 19, 2011 I conducted a follow-up HW inspection to verify HW disposal (Exhibit 14). Observed onsite two super sacks filled with filter cake and five 4' X 4' bins of waste floor debris and/or sludge. Disposal of HW is still occurring in increments due to the volume and cost of disposal. Reynoso provided copies of manifests this date, documenting disposals occurring from the routine inspection (4-6-11) to date (Exhibit 16). The waste disposal violation remains outstanding. While onsite it was determined that the PBR violation issued during the follow-up inspection conducted on June 6, 2011 remained outstanding, however, the date for reinspection is August 5, 2011. During this inspection Reynoso and I agreed to reschedule the reinspection to Monday, August 22, 2011 because of previously scheduled time-off by both parties, which was documented in a follow-up inspection report (Exhibit 15).

Along with the history of non-compliance with HW and PBR requirement at OCMP, Reynoso has not paid the annual facility fees from this Agency, nor the fees associated in the annual consolidated billing issued by this Agency (Fullerton Fire Department, DTSC), for years. According to Carol Bruyntjens with the Orange County Treasurer-Tax Collector's office, Reynoso has been in collections for many years. Reynoso is on a payment plan but is currently in arrears. Bruyntjens provided a balance due report (Exhibit 12).